



# PUBLIC NOTICE

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## WIRELESS TELECOMMUNICATIONS BUREAU SEEKS INFORMATION FROM THE PUBLIC FOR REPORT TO CONGRESS ON MICROWAVE BANDS

WT Docket No. 12-156

**Filing Date: July 20, 2012**

By this *Public Notice*, the Wireless Telecommunications Bureau solicits information from the public for use in preparing a report to Congress required by Section 6412 of the Middle Class Tax Relief and Job Creation Act of 2012, P.L. 112-96 (“Spectrum Act”).<sup>1</sup>

Specifically, this provision requires the Federal Communications Commission, within nine months of enactment, to submit to Congress a report on the “rejection rate” on requests for common carrier use of spectrum in the 10,700-11,700 MHz (11 GHz), 17,700-19,700 MHz (18 GHz),<sup>2</sup> and 21,200-23,600 MHz (23 GHz)<sup>3</sup> bands.<sup>4</sup> The term “rejection rate” includes both applications made to the Commission and requests made to third-party coordinators.<sup>5</sup>

The Commission has licensed spectrum for microwave uses for most of its history.<sup>6</sup> In 1996, the Commission consolidated its rules for most microwave point-to-point and point-to-multipoint services into a new Part 101 of the Commission’s Rules.<sup>7</sup> Part 101 includes the Private Operational Fixed Point to Point Microwave Service (POFS)<sup>8</sup> and the Common Carrier Fixed Point to Point Microwave Service.<sup>9</sup>

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<sup>1</sup> Middle Class Tax Relief and Job Creation Act of 2012, P.L. 112-96, § 6412 (2012), 126 Stat. 156 (“Spectrum Act”).

<sup>2</sup> We note that no applications for new Part 101 stations in the 18.3-19.3 GHz band will be accepted at this time, since that band has been reallocated to the Fixed Satellite Service. *See* 47 C.F.R. § 101.147(r). We also note that there is a requirement to coordinate use in the 17.8-19.7 GHz band with the Federal Government in the Denver, Colorado and Washington, DC areas. *See* 47 C.F.R. § 1.924(e).

<sup>3</sup> We note that the 21.2 – 23.6 GHz band is shared equally with the Federal Government and use in that band must be coordinated with the National Telecommunications Information Administration (NTIA) through the Interdepartmental Radio Advisory Committee (IRAC) process.

<sup>4</sup> Spectrum Act, §§ 6412(a), (d).

<sup>5</sup> *See* Spectrum Act, § 6412(d).

<sup>6</sup> For an extensive discussion of issues the Commission faced in allotting microwave spectrum, see Allocation of Frequencies in the Bands Above 890 Mc., Docket No. 11866, *Report and Order*, 27 FCC 359 (1959).

<sup>7</sup> Reorganization and Revision of Parts 1, 2, 21, and 94 of the Rules to Establish a New Part 101 Governing Terrestrial Microwave Fixed Radio Services, WT Docket No. 94-148, *Report and Order*, 11 FCC Rcd 13449 (1996).

<sup>8</sup> *See* Part 101, Subpart H.

The Commission's licensing regime for these two services requires frequency coordination and the filing of an application for each microwave link or path containing detailed information concerning the proposed operation.<sup>10</sup>

In order to complete frequency coordination, an applicant must give prior notice to nearby licensees and other applicants for licenses of the applicant's proposed operations, make reasonable efforts to avoid interference and resolve conflicts, and certify to the Commission that the proposed operations have been coordinated.<sup>11</sup> Once the applicant has completed frequency coordination, the applicant must file an application for authorization with the Commission, specifying the latitude and longitude of the transmitter to be used to an accuracy of one second.<sup>12</sup> Most applicants use professional firms that are in the business of providing frequency coordination services to coordinate their proposed operations.<sup>13</sup>

Because applicants have the flexibility to resolve interference issues through a private frequency coordination process, the Commission does not have information on proposed operations that are rejected in the course of that coordination process. To fully address the Commission's statutory obligation, therefore, WTB seeks information from the public (including, but not limited to, firms that offer frequency coordination services, and licensees and prospective applicants in the 11 GHz, 18 GHz, and 23 GHz bands) who have information relevant to the Commission in preparing the report to Congress.<sup>14</sup> Without limiting the general nature of this inquiry, examples of information that could be relevant would include: how frequently proposed operations in these bands could be successfully coordinated,<sup>15</sup> information regarding coordination requests in each band that could not be accommodated, the reasons such requests could not be accommodated. We request information for the time period January 1, 2010 to present.

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<sup>9</sup> See Part 101, Subpart I.

<sup>10</sup> See 47 C.F.R. §§ 101.21(f), 101.103.

<sup>11</sup> See 47 C.F.R. § 101.21(f).

<sup>12</sup> 47 C.F.R. § 101.103(d)(2)(ii).

<sup>13</sup> While the Commission does not regulate or endorse microwave frequency coordinators, the Commission's web site maintains a list of frequency coordinators for information purposes only at [http://wireless.fcc.gov/services/index.htm?job=licensing\\_1&id=microwave](http://wireless.fcc.gov/services/index.htm?job=licensing_1&id=microwave).

<sup>14</sup> While the Spectrum Act seeks information concerning common carrier operation, the Common Carrier Fixed Point-to-Point service and the Private Operational Fixed Service share the bands in question. See 47 C.F.R. § 101.101. We recognize that it may be difficult to distinguish between common carrier and private operations, particularly for requests that do not result in the filing of an application. With respect to such requests, we invite respondents to provide general information on the 11 GHz, 18 GHz, and 23 GHz bands. With respect to proposed operations that result in an application being filed with the Commission, responding parties should provide information only for common carrier operations, since the application will indicate whether it proposes common carrier or private operations.

<sup>15</sup> For these purposes, the definition of successfully coordinated can include any coordination request that ultimately results in a path that satisfies the original communications requirements between points. For example, if an applicant requested a specific frequency pair within a band that was unavailable but was able to successfully coordinate and use another frequency pair within the same band, the path in question should be considered successfully coordinated. Similarly, if an applicant requested a path with specific antennas that would result in interference concerns, but upgrading those antennas resolved the interference concern, the path in question should be considered successfully coordinated.

We ask that relevant information be filed on or before Month XX, 2012. When filing the information, please reference **WT Docket No. 12-XXX**.

Responses may be filed using the Commission's Electronic Comment Filing System (ECFS) or by filing paper copies.<sup>16</sup> Comments filed through the ECFS can be sent as an electronic file via the Internet to <http://www.fcc.gov/cgb/ecfs/>. Generally, only one copy of an electronic submission must be filed. In completing the transmittal screen, microwave frequency coordinators should include their full name, U.S. Postal Service mailing address, and the applicable docket or rulemaking numbers. Parties may also submit information by Internet e-mail. To get filing instructions for e-mail comments, commenters should send an e-mail to [ecfs@fcc.gov](mailto:ecfs@fcc.gov), and should include the following words in the body of the message, "get form." A sample form and directions will be sent in reply. Parties who choose to file by paper must file an original and four copies of each filing.

Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail (although we continue to experience delays in receiving U.S. Postal Service mail). Parties are strongly encouraged to file responses electronically using the Commission's ECFS. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission, 445 12<sup>th</sup> Street, S.W., Washington, DC 20554.

All hand-delivered or messenger-delivered paper filings for the Commission's Secretary must be delivered to FCC Headquarters at 445 12<sup>th</sup> St., SW, Room TW-A325, Washington, DC 20554. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of before entering the building. The filing hours at this location are 8:00 a.m. to 7:00 p.m. Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743. U.S. Postal Service first-class, Express, and Priority mail must be addressed to 445 12<sup>th</sup> Street, SW, Washington DC 20554.

Parties shall also serve one copy with the Commission's copy contractor, Best Copy and Printing, Inc. (BCPI), Portals II, 445 12<sup>th</sup> Street, S.W., Room CY-B402, Washington, DC 20554, (202) 488-5300, or via e-mail to [fcc@bcpiweb.com](mailto:fcc@bcpiweb.com).

Documents in WT Docket No. 12-XXX will be available for public inspection and copying during business hours at the FCC Reference Information Center, Portals II, 445 12<sup>th</sup> St. S.W., Room CY-A257, Washington, DC 20554. The documents may also be purchased from BCPI, (202) 488-5300, (202) 488-5563 (fax), (202) 488-5562 (tty), e-mail [fcc@bcpiweb.com](mailto:fcc@bcpiweb.com).

To request materials in accessible formats for people with disabilities (Braille, large print, electronic files, audio format), send an e-mail to [fcc504@fcc.gov](mailto:fcc504@fcc.gov) or call the Consumer & Governmental Affairs Bureau at (202) 418-0530 (voice), (202) 418-0432 (tty).

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<sup>16</sup> See Electronic Filing of Documents in Rulemaking Proceedings, GC Docket No. 97-113, *Report and Order*, 13 FCC Rcd 11,322 (1998).

This matter shall be treated as an “exempt” proceeding in accordance with the *ex parte* rules.<sup>17</sup>

For further information, contact John J. Schauble, Deputy Chief, Broadband Division, Wireless Telecommunications Bureau at (202) 418-0797, or by e-mail at [John.Schauble@fcc.gov](mailto:John.Schauble@fcc.gov).

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<sup>17</sup> To the extent this *Public Notice* commences a proceeding, we believe it is analogous to a notice of inquiry, which is an exempt proceeding under 47 C.F.R. § 1.1204(b)(1).